

ಅಧ್ಯಕ್ಷರು :—ಈಗ ಶ್ರೀ ಸತ್ಯನಾರಾಯಣ ಹಿಂಗ್ ಅವರ ಕಾಲಿಂಗ್ ಆಟೆನ್ಷನ್ ನೋಟೀಸ್,

(ii) re : is: list of the M.S.R.T.C. Employees

SRI B. SATYANARAYANA SING, Hospet :— I call the attention on the Minister for Labour to the situation created by the publication of inter-state seniority list of Mysore State Road Transport Corporation Employees.

SRI AZEEZ SAIT, (Minister for Labour) I state as follows :—

After the Re-organisation of States employees of the Ex-Hyderabad were allotted to the New State of Mysore on 1st November 1956 under the States Re-organisation Act. Due to some legal impediments the employees of Ex-Bombay State Road Transport Corporation were not allocated on the said date. They were allocated to the New State of Mysore only on 1st November 1957 under the B.S.R.T.C. Order, 1956 issued by the Government of India in Notification No. 2-T 30/66 dated 31st December 1959 under sub-section (2) of Section 47 A of the Road Transport Corporations Act, 1950 (Central Act 64 of 1950). A seniority list of the Class III and IV employees of Mysore Government Road Transport Department as on 1st January 57 which contain the employees of Ex M.G.R.T.D., B.T.S., Ex-Hyderabad Road Transport Department and Ex-Bombay State Road Transport Corporation was prepared by the General Manager, Mysore Government Road Transport Department and published. The same was challenged in Writ Petition No. 418/60 and the High Court in their Judgement dated 15th March 1961 have quashed the said list on the ground that the list contains persons who are not governed by Section 115 (b) of the States Re-organisation Act. However they have stated that this will not prevent the Government from re-considering or re-doing the matter in exercise of the powers which they may have under the Constitution and subject to the provisions of the States Re-organisation act to the extent they are applicable. In view of this, the seniority list of gazetted officers prepared by Government was not given effect to. Then the question of formation of the Mysore State Road transport Corporation was before Government and even after the formation of the Corporation on 1st August 1961 as several administrative matters connected that with had to be looked into expeditiously and as the legal aspects of the preparation of the seniority list was also under examination by Government the question of the preparation of seniority list could not be taken up immediately. Subsequently, it was decided that the preparation of the seniority list should be done by Government in stages viz., one as on 1st November 1956 and another as on 1st January 1957 as explained below.

2. During the year 1965, a committee was appointed to examine and recommend to Government the equation to be adopted in preparing the seniority list. Based on their recommendation a provisional Inter-State Seniority list of the employees as on 1st November 1966 was prepared and published in the Mysore Gazette under Notification No. GAD 164 INS 65 dated 7th September 1966. The list contained the officials of old M.G.R.T.D., S.T.S., and Ex-Hyderabad Road Transport Department. After considering the objections filed by the concerned officials and with the approval of Government of India a final I.S.S. List was prepared and published by the State Government in Notification No. GAD 170 INS 68, dated 16th November 1969.

3. In this list the employees of Ex-Bombay State Road Transport Corporation were not included as they are allocated to the New State of Mysore on 1st January 1957. In its judgement dated 14th August 1972 in Writ Petition No. 448/1969 the High Court of Mysore have directed for the preparation of Gradation list as on 1st January 1957 containing the officials who were allocated to the new State of Mysore including the officials of Ex-Bombay State Road Transport Corporation. It has therefore become necessary to have a combined gradation list merging the employees of Ex-B.S.R.T.C. with the employees contained in the Inter State Seniority List referred to above. Accordingly based on the equations recommended by the committee, the Government have prepared a provisional gradation of all the employees of Mysore Government Road Transport Department (Viz., Ex-Mysore Government Road Transport Department, Bangalore Transport Service, Ex-Hyderabad Road Transport Department and Ex-Bombay State Road Transport Corporation) as on 1st January 1957 in Notification No. HD 79 TRE 71 dated 9th November and the same was published in the Mysore Gazette (Extraordinary) on 22nd November 1972. This is only a provisional list calling for objections. After the objections are received the same will be considered and afterwards the final gradation list will be published by Government.

4. In respect of the four points referred to in the Notice the following clarifications are furnished.—

- (i) Non supply of seniority list to the workers so far even though they are expected to submit their objections within 30 days from the date of publication which is 22nd November 1972.

Copies of the Gradation list have already been sent by the General Manager, Mysore State Road Transport Corporation to all the concerned units on 29th November 1972 for being distributed to the concerned officials.

- (ii) Clubbing of "Civil servants and non-civil servants."

There is no prohibition as such for clubbing the civil servants with non-civil servants. In fact, as already stated earlier the High Court of Mysore in its judgement dated 14th August 1972 leading to

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Writ Petition No. 448/1969 have directed for the preparation of gradation list as on 1st January 1957 containing the officials who were allotted to the new State of Mysore including the officials of Ex-B.S.R.T.C.

(iii) Violation of the judgement of High Court of Mysore in W.P. 418 of 1960.

It is not correct to say that the gradation list now prepared is in violation of Judgement of the High Court of Mysore in Writ Petition No. 418/60. In this Writ Petition the High Court while quashing the seniority list on the ground that the list contains persons who are not governed by Section 115(5) of the States Re-organisation Act, have stated that this will not prevent the Government from re-considering or re-doing the matter in exercise of the powers which they may have under the Constitution and subject to the provision of the States Re-organisation act to the extent they are applicable.

(vi) Publication of another seniority list when one Seniority list was published on 25-12-1969 which has been upheld by the High Court of Mysore in W.P.No. 1973 of 72.

As already stated above the list published on 25-12-1969 contained officials of Ex-Mysore Government Road Transport Department, Bangalore Transport Service and Ex-Hyderabad Road Transport Department only. Employees of Ex-M.S.R.T.C. are not included. It is necessary to have a common seniority list. The list now published as on 1-1-1957 as per judgement in Writ petition No. 448/69.

In writ petition No. 173/72 (and not 1973/72 as stated) the High Court in its judgement dated 1-9-1972 have issued mandamus direction to Mysore State Road Transport Corporation for reviewing the promotions of Junior Assistants in accordance with the ranking of the petitioner in the final Inter-State Seniority list of Second Division Clerks with effect from the date it was due and if found fit to grant the petitioner promotions and all consequential benefits including financial benefits. The Mysore State Road Transport Corporation is taking necessary action to implement this judgment.

SRI SATYA NARAYANA SINGH :—The Hon. Minister has said in his note that the High Court while quashing the, 1957 seniority list on writ-petition 418/1960, it has quashed it on the ground that the list contains persons who are not governed under section 115(5) of the S. R. Act. I would like to know from the Minister how the State Government was able to get over the legal impediment and under what provisions of the Constitution the State Government has prepared the present inter-state Seniority list.

SRI AZEEZ SAIT :—I have given a very elaborate and detailed note on the question to the Hon'ble Member. Government has done as per the directions contained in the judgement of the High Court in writ

petitions. The High Court has said that the Government is not bound to re-write the Seniority list, and the gradation list including the BSRTC workers also. I do not know why even the Government employees were not serious about it. After this, I have a little note which I will read in order to satisfy the Hon'ble Member.

Consequent upon the reorganisation of States, old Mysore Government Road Transport Department (including the Bangalore Transport Service) and Ex-Hyderabad States Road Transport Department came to be merged on 1st November 1956 under Section. 115 of the States Re-organisation Act.

Subsequently, the ex-Bombay State Road Transport Corporation was merged on 1st January 1957 under the Bombay State Road Transport Corporation Order issued by the Central Government, as per the provisions under section 47 A of the Road Transport Corporation Act.

The equations and seniority list of all the employees so merged was not finalised for the last 15 years. With the result that a number of vacancies in various categories to the extent of 149 in promotional categories and 71 in direct recruitment vacancies have remained unfilled for such a long period for want of seniority list. Resultantly, the work of the Administration is very much handicapped.

The equation and gradation list of all the employees as on 1st January 1957, has now been provisionally published in the Gazette Extra-ordinary, dated 22nd November 1972 and objections have been called for from the employees concerned. A time limit of 30 days for preferring objections before the Government regarding seniority and equations has been prescribed and on receipt of the objections, if any, from the concerned employees, they will be considered with due care and sympathy and in all such genuine and hard cases justice will be meted out. In fact the position regarding each case will be known when objections are preferred by any employees regarding Seniority or equation of post. Full scope has been provided for the aggrieved to prefer their objections which will be considered on its merits.

In the gradation list now published there are as many as 5,582 employees in the categories of Class I, Class II, Class III and Class IV as on 1st January 1957.

Category	Total employees	No. rtd. or deceased	No. now in service
Class I & II	67	37	30
Class III	4,330	1,187	3,143
Class IV	1,185	257	928
Total...	5,582	1,481	4,101

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With a view to provide free legal assistance to the employees in Class III & IV categories, who are large in number, to examine this case and prefer objections if any for consideration, the Corporation is advised to engage two Advocates. The cost of legal assistance will be met by the Corporation.

I feel perhaps this was not taken up seriously by the then Government and the employees. Therefore it became inevitable to prepare an integrated gradation List including ex-BSRTC as on 1st January 1957. Even this was not done for the last 15 years. Now the Government has taken up a bold step to do this and has published accordingly. Now I appeal to the Hon'ble Members to advise the employees of the MSRTC as a whole not to be scared or carried away, but to file their objections if any within 30 days so as to enable us to work out without causing any injustice to any individual.

SRI B. SATYANARAYANA SINGH.—The hon. Minister has not answered the question I put before him. He has referred to writ petition 448. In this connection, is the Government aware of the fact that in writ petition 173/72 the judgement of which was pronounced on 1st September 1972 in the subsequent writ petition of '48, the High Court of Mysore have upheld the seniority list and ordered the petitions to be heard before you and given posts with retrospective effect with all remuneration. Shall I take it that it is that seniority list which stand or do I understand that the list is integrated and followed according to the convenience of Government?

11-00 A.M.—

SRI AZEEZ SAIT.—As per the writ petition referred to by the Hon'ble Member, while preparing the gradation list, I have taken note of the Department as working basis which not only satisfies the MSRTC, and the recommendation of the Law Department of the State Government was also considered. And on the basis of the expert opinion, we have brought out this list of seniority. Therefore, the question of 1969 seniority list does not stand for the reason, as I said, the seniority list which was published in the year 1969 was in respect of the MSRTC, BTS and HSRTC as on 1st November 1956 the date of integration. As per 115 of the States Reorganisation Act, this should have been reviewed within two months after the list was published. The time permitted for this was from 1st November 1956 to 31st December 1956. Unfortunately, this was not reviewed and I do not know whether the employees also were very serious about it. Now that list has been brought up in all seriousness and this seriousness is not necessary for the simple reason that

I have said that I am going to give them free legal assistance to file their objections. I am here to give an assurance to the Hon'ble Member that not a single employee of the MSRTC, the BSRTC which is merged—the name is not changed into KARNATAKA—not a single employees of this State will be made to suffer.

SRI M. S. KRISHNAN : From what you read out just now, anybody will have to hand his head in shame. For the past 15 years, Government has been unable to solve their grievance. I think the blame for this has to be squarely placed on the shoulders of the Government. Even according to your statement, a number of them have retired or deceased. Probably those who have deceased will be cursing you from their graves, and those are living will be cursing you from their houses. May I ask you whether on the basis of the seniority list which you have now published, the 72 seniority list for which you have given one month's time—even this has not satisfied the employees of the MSRTC. On the other hand, it has generated bitterness both among the employees of the old State of Mysore and the new State. Both are dissatisfied and they are agitated and I want to know whether you are prepared to call the representatives and have a discussion with them and evolve a formula on the basis of that discussion which would keep the MSRTC workers happy and contented?

MADAM SPEAKER : The hon. Minister has assured the House that he would look into it.

SRI AZEEZ SAIT : The Hon'ble Member has raised certain questions. I think I should not go by default.

As regards taking the different sections of workers into confidence, I think the Hon'ble Member knows that I have invited both the federations more than four or five times to my chamber and finally seeing the heated discussion among the employees, I said I am not carried away by the recommendations of the committee, which consisted of the Chief Secretary, the Home Secretary and the Vice-Chairman of the Corporation. I said I am not going to be carried away by their decision. And since I am not a lawyer, I said, if both of you agree, I will invite the Law Secretary to my chamber and place the officials of the MSRTC and the Government officials face to face. We had a very frank discussion. Ultimately the employees promised that whatever the Law Secretary decides, that will be binding. And the Law Secretary was requested by me to give his firm opinion.

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without fear or favour based on the writ petitions. The Law Secretary, took valuable time and went into it in great detail and after a careful study of the whole matter, sent me his decision in a sealed cover.

Just to take them into confidence I did not open the sealed cover addressed to me. When all the people came to my chamber, I opened the cover in their presence and started reading what was contained. I am not responsible for what had happened for the last 15 years. Mr. Krishna should congratulate the Government for having taken bold steps in this regard though it was not at all attempted by the previous Governments. It is not the question of the old Mysore and new Mysore people. The people of Mysore are one and the same and there should be no distinction, and they are the people of Karnataka.

#### **Fourth Reports of the Committee on Private Members Bills and Resolutions**

SRI B. P. KADAM (Karwar)

I beg to present the Fourth Report of the Committee on private Members Bills and Resolutions.

MADAM SPEAKER.—The Report is presented

SMT VIJAYA DESAI (Chitapur) I beg to move.

That this Assembly agrees with the Fourth Report of the Committee on Private Members Bills and Resolutions.

MADAM SPEAKER.—I will put the motion to the vote of the house. The question is.

‘That this Assembly agrees with the Fourth Report of the Committee on Private Members Bills and Resolutions’.

*The Motion was adopted.*

#### **Branch of Chickhole Project**

ಶ್ರೀ ಎಸ್. ಪುಟ್ಟಸ್ವಾಮಿ (ಚಾಮರಾಜನಗರ). ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ನಮ್ಮ ಚಾಮರಾಜನಗರ ತಾಲೂಕಿನಲ್ಲಿ ಸರ್ಕಾರದಿಂದ ನಿರ್ಮಿತವಾಗಿರುವ ಚಿಕ್ಕಹೊಳೆ ಪ್ರಾಜೆಕ್ಟ್ ಮೊನ್ನೆಯಿಂದ ಮೂರು ದಿವಸ ಬಿಡದೆ ಮಳೆಯಿಂದ ಕಾರಣದಿಂದ, ನೀರಿನ ಒತ್ತಡ ಹೆಚ್ಚಾಗಿ, ಅದನ್ನು ತಡೆಯಲಾರದೆ ನಿನ್ನ ಸುಮಾರು ೧೦-೧೦ ಗಂಟೆಗೆ ಬಲಭಾಗದಲ್ಲಿ ಒಡೆದು ಹೋಗಿದೆ. ಇದರಿಂದ ಆ ಪ್ರದೇಶದಲ್ಲಿದ್ದಂತಹ ಜನ ಮತ್ತು ಜಾನುವಾರುಗಳೂ ಕೊಚ್ಚಿ ಕೊಂಡು ಹೋಗಿದೆ. ಇದರಿಂದ ಆಕ್ರಮಣದಲ್ಲಿರುವ ಜನರಿಗೆ ಹಾನಿ ಬಹಳವಾಗಿದೆ. ಇದರ ಬಗ್ಗೆ ಸರ್ಕಾರದವರು ಏನಾದರೂ ಮಾಹಿತಿಯನ್ನು ಸಂಗ್ರಹಿಸಿದ್ದಾರೆಯೇ? ಮತ್ತು ಇದರ ಬಗ್ಗೆ ಬೇರೆ ಏನು ಕ್ರಮವನ್ನು ತೆಗೆದುಕೊಂಡಿದ್ದಾರೆಂಬುದನ್ನು ಮಾನ್ಯ ಮಂತ್ರಿಯವರು ಹೇಳಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.